

EXHIBIT A

FILED by Macomb County Circuit Court

8/26/2021 1:40:05 PM

Service, Submitted, and File
Approved, SCAOOriginal - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return2021-002232-NO
PAQUETTE, CHARLI

STATE OF MICHIGAN		SUMMONS	CASE NO.	
16th	JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE		2021- 002232	-NO

Court address
40 North Main Street, Mount Clemens, MI 48043Court telephone no.
586-469-5351Plaintiff's name(s), address(es), and telephone no(s).
CHARLES PAQUETTE

v

Defendant's name(s), address(es), and telephone no(s).
MENARDS INC.
Resident Agent: UNITED STATES CORPORATION
COMPANY
601 Abbot Road
East Lansing, MI 48823Plaintiff's attorney, bar no., address, and telephone no.
FEMMININEO ATTORNEYS, PLLC
DAVID C. FEMMININEO (P56471)
RYAN T. DEMEULENAERE (P79102)
110 South Main Street
Mount Clemens, MI 48043 586-954-9500

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☐ this court, ☐ _____ Court, where

it was given case number _____ and assigned to Judge _____

The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party or **take other lawful action with the court** (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 08-26-2021	Expiration date* 11-26-2021	Court clerk ANTHONY FORLINI
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.



PROOF OF SERVICE**SUMMONS**

Case No. 2021- 002232

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TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE☐ **OFFICER CERTIFICATE**

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult, and I am not a party or an officer of a corporate party (MCR 2.103[A]), and that: (notarization required)

- ☐ I served personally a copy of the summons and complaint,
☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,

together with

List all documents served with the summons and complaint

on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

- ☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
\$		\$	\$

Signature

Name (type or print)

Title

Subscribed and sworn to before me on _____, _____ County, Michigan.
 Date

My commission expires: _____ Date
 Signature: _____ Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with _____ Attachments

_____ on _____
 Day, date, time

Signature _____ on behalf of _____

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2021-002232-NO
PAQUETTE, CHARL

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

CHARLES PAQUETTE,

Plaintiff,

v.

Case No. 2021-002232-NO
Hon. Julie Gatti

MENARD, INC.,

Defendants.

FEMMININEO ATTORNEY, P.L.L.C.
DAVID C. FEMMININEO (P56471)
RYAN T. DEMEULENAERE (P79102)
Attorney for Plaintiff
110 South Main Street
Mt. Clemens, MI 48043
586.954.9500 586.954.9900 fax
ryan@getdavidgetpaid.com - handling attorney
ashley@getdavidgetpaid.com - assistant

 Femminineo

110 S. Main Street
Mt. Clemens, MI 48043
586-954-9500

PLAINTIFF'S FIRST AMENDED COMPLAINT

NOW COMES the above named Plaintiff herein, CHARLES PAQUETTE,
by and through his attorneys, FEMMININEO ATTORNEYS, P.L.L.C., and in
support of his action against Defendants, MENARD, INC.; their agents, servants,
and/or employees, either real or ostensible, respectfully represents unto this
Honorable Court as follows:

COUNT I

1. Plaintiff, CHARLES PAQUETTE, is a resident of the City of Warren,
County of Macomb, State of Michigan.
2. Defendants, MENARD, INC., is a corporation doing business in the upon
information and belief are residents of the Township of Macomb, County of
Macomb, State of Michigan.

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3. At the time and place aforementioned, Defendants, MENARD, INC. LLC, upon information and belief, was and still are engaged in the exclusive ownership and/or, maintenance and/or, management and/or, possession and/or control of the location at 32501 Van Dyke Avenue, in the City of Warren, County of Macomb, State of Michigan.
4. That the amount in controversy is in excess of Twenty-Five Thousand (\$25,000.00) Dollars, exclusive of costs, interest, or attorney fees, and is properly within the jurisdiction of this Court.
5. On or about December 31, 2020 Plaintiff was an "Business Invitee" on Defendants' premises.
6. On the aforesaid date, Plaintiff, CHARLES PAQUETTE, was on the Defendant's premises at 32501 Van Dyke Avenue and was proceeding through the median in the parking lot when his foot violently struck a tree stump, without warning due to complete snow coverage, and was caused to fall violently to the ground, which "injury site" is under the exclusive ownership and/or, maintenance and/or, management and/or, control and/or possession of the Defendants MENARD, INC.. Plaintiff sustained severe and permanent injuries to his left foot as a result of the fall.

COUNT II

7. Plaintiff hereby reincorporates each and every allegation contained in the previous count as if fully set forth herein word for word paragraph for paragraph.
8. That at the time, place and location of the above mentioned, it was the duty of the Defendants MENARD, INC., their agents and/or employees acting on

their behalf to exercise reasonable care and caution in and about the maintenance and management of the building, including the garage, and to keep the same in reasonable safe condition for the Plaintiff, CHARLES PAQUETTE, and other persons lawfully upon said premises, and in accordance with the laws of the State of Michigan, the rules of Common Law and the Ordinances of the City of Warren.

9. That, disregarding those duties, the Defendants, MENARD, INC., its agents and employees, failed to exercise reasonable and ordinary care and caution in the maintenance of the injury site, and, in fact, created the dangerous condition in the following manner, to wit: Carelessly and negligently allowed and permitted the parking lot and median to become and remain in dangerous, defective and hazardous condition which caused the severe, painful and disabling personal injuries to Plaintiff, CHARLES PAQUETTE, as hereinafter set forth.

10. That Defendants, MENARD, INC., its agents and employees, was then and there guilty of one or more of the following negligent acts or omissions in violation of its duties to Plaintiff, CHARLES PAQUETTE:

- a. Failing to provide a reasonable safe area on which to walk;
- b. Failing to keep the surface free from hazardous, unsafe and dangerous conditions, including snow covered tree stumps;
- c. Failing to timely and adequately inspect the area so as to eliminate hazards and dangerous conditions, including hazards from snow covered tree stumps;
- d. Failing to timely remove or eliminate the hazardous and unsafe conditions and/or failing to warn Plaintiff and the general public of the same;

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- e. Failing to take other precautionary measures to make the area safe from the general public and or Plaintiff, CHARLES PAQUETTE; and
- f. Failure to provide remove adequate lighting for the area at issue.

11. That in the happening of the incident, Plaintiff, CHARLES PAQUETTE, was not guilty of negligence or comparative negligence but that as a direct and proximate result of the negligence and carelessness of the said Defendants, MENARD, INC., Plaintiff suffered injuries and damages to wit:

- a. Severe foot and overall body injuries;
- b. Severe humiliation, embarrassment and emotional distress as well as depression;
- c. Loss of enjoyment of the normal activities of life which preclude Plaintiff from participating in sports and other recreational activities, which loss is permanent;
- d. Plaintiff has incurred and spent considerable sums of money and time for hospital bills, doctor bills, medications and treatment of the injuries and will continue to do so in the future; and
- e. Permanent and serious disfigurement.

12. That prior to this incident Plaintiff, CHARLES PAQUETTE, was a reasonably strong, healthy and able-bodied person.

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WHEREFORE, Plaintiff prays that judgment awarded in favor of Plaintiff and against Defendants MENARD, INC., for whatever amount Plaintiff is found to be entitled (MCR 2.111, 1985 as amended), in excess of Twenty-Five Thousand (\$25,000.00) Dollars, plus interest, costs and attorney fees.

Respectfully Submitted,

FEMMININEO ATTORNEYS, P.L.L.C.

By: David C. Femminineo

DAVID C. FEMMININEO
FEMMININEO ATTORNEYS, P.L.L.C.
Attorney for Plaintiff
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DATE: August 26, 2021